

## **CHARTER SCHOOL OVERSIGHT**

The Governing Board recognizes its ongoing responsibility to oversee that any charter school the Board has authorized is successfully fulfilling the terms of its charter and is providing a high-quality educational program for students enrolled in the charter school.

*(cf. 0420.4 - Charter School Authorization) (cf. 0500 - Accountability)*

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

The Superintendent or designee may inspect or observe any part of the charter school at any time. The Superintendent or designee shall visit each charter school at least annually. (Education Code 47604.32, 47607)

The Superintendent or designated charter school contact shall attend meetings of the charter school board whenever possible and shall periodically meet with a representative of the charter school.

### **Waivers**

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to the SBE on behalf of the charter school.

*(cf. 1431 - Waivers)*

### **Provision of District Services**

The charter school may purchase administrative or other services from the district or any other source. (Education Code 47613)

Whenever the district agrees to provide administrative or support services, the district and charter school shall develop a memorandum of understanding which clarifies the financial and operational agreements between the district and charter school.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services but shall not require the charter school to purchase payroll

**CHARTER SCHOOL OVERSIGHT (Continued)**

processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

**Material Revisions to Charter**

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to new charter petitions as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open meeting. (Education Code 47605)

The Board shall have the authority to determine whether a proposed change in charter school operations constitutes a material revision of the approved charter.

**Monitoring Charter School Performance**

The Superintendent or designee shall monitor the charter school to determine whether it complies with all legal requirements applicable to charter schools, including making all reports required of charter schools in accordance with Education Code 47604.32. Any violations of law shall be reported to the Board.

The Board shall monitor each charter school to determine whether it is achieving, both school wide and for all groups of students served by the school, the measurable student outcomes set forth in the charter. This determination shall be based on the measures specified in the approved charter and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School Dashboard.

The Board shall monitor the fiscal condition of the charter school based on any financial information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, annual update of the school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

**CHARTER SCHOOL OVERSIGHT (Continued)**

Fees/Charges for Supervisorial Oversight

The district may charge for district supervisorial oversight as follows: (Education Code 47613; CCR 11969.7)

1. Actual costs up to one percent of a charter school's revenue if the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities cost
2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities
3. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when authorized on appeal

*(cf. 7160 - Charter School Facilities)*

**Technical Assistance/Intervention**

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent of Schools. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regards to the state priorities applicable to the charter school pursuant to Education Code 47605. This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School

Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.

2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school. Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

**CHARTER SCHOOL OVERSIGHT (Continued)**

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and #2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and #2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes.

In addition, if in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student or for all of the student subgroups if the school has fewer than three, in regard to one or more state or school priorities identified in the charter, the County Superintendent.

1. Shall provide technical assistance to the charter school using an evaluation rubric adopted by the SBE pursuant to Education Code 52064.5
2. May request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school.

*(cf. 0420.42 - Charter School Renewal)*  
*(cf. 0420.43 - Charter School Revocation)*

**Complaints**

Each charter school shall establish and maintain policies and procedures to enable any person to file a complaint, in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4687, alleging the school's noncompliance with Education Code 47606.5 or 47607.3. (Education Code 52075)

*(cf. 1312.3 - Uniform Complaint Procedures)*

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

**CHARTER SCHOOL OVERSIGHT (Continued)**

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

**School Closure**

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with the charter and/or an MOU, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out of the charter school.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of a charter is denied, a charter is revoked, or a charter school will cease operation for any reason.

Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

**School Closure**

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*Legal Reference:*

*EDUCATION CODE*

*215 Suicide prevention policy*

*220 Nondiscrimination*

*221.61 Posting of Title IX information on web site*

**CHARTER SCHOOL OVERSIGHT (Continued)**

221.9 *Sex equity in competitive athletics*  
222 *Lactation accommodations for students*  
234.7 *Student protections relating to immigration and citizenship status 17280-17317 Field Act*  
17365-17374 *Field Act, fitness for occupancy*  
33479-33479.9 *The Eric Parades Sudden Cardiac Arrest Prevention Act 35330 Field trips and excursions; student fees*  
38080-38086 *School meals 39831.3 Transportation safety plan*  
39843 *Disciplinary action against bus driver; report to Department of Motor Vehicles 42100 Annual statement of receipts and expenditures*  
44030.5 *Reporting change in employment status due to alleged misconduct 44237 Criminal record summary*  
44691 *Information on detection of child abuse*  
44830.1 *Certificated employees, conviction of a violent or serious felony 45122.1 Classified employees, conviction of a violent or serious felony 45125.1 Fingerprinting; employees of contracting entity*  
47600-47616.7 *Charter Schools Act of 1992*  
47634.2 *Nonclassroom-based instruction*  
47640-47647 *Special education funding for charter schools*  
48000 *Minimum age of admission for kindergarten; transitional kindergarten*  
48010-48011 *Minimum age of admission (first grade)*  
48850-48859 *Educational placement of foster youth and homeless students 48907 Students' exercise of free expression; rules and regulations*  
48950 *Student speech and other communication 49011 Student fees*  
49061 *Student records*  
49076.7 *Student records; data privacy; Social Security numbers 49110 Authority of issue work permits*  
49414 *Epinephrine auto-injectors*  
49414.3 *Administration of opioid antagonist*  
49430-49434 *The Pupil Nutrition, Health, and Achievement Act of 2001, especially: 49431.9 Advertisement of non-nutritious foods*  
49475 *Health and safety, concussions and head injuries*  
49557.5 *Child Hunger Prevention and Fair Treatment Act of 2017 49564 Meals for needy students*  
51224.7 *Mathematics placement policy*  
51225.6 *Instruction in cardiopulmonary resuscitation*  
51513 *Diploma of graduation, without passage of high school exit examination 51745-51749.3 Independent study*  
52051.5-52052 *Academic performance index, applicability to charter schools 52060-52077 Local control and accountability plans*  
52075 *Uniform complaint procedures 56026 Special education*  
56145-56146 *Special education services in charter schools*  
60600-60649 *Assessment of academic achievement*  
69432.9-69432.92 *Cal Grant program; notification of grade point average and high school graduation*

**CORPORATIONS CODE**

5110-6910 *Nonprofit public benefit corporations*

**GOVERNMENT CODE**

1090-1099 *Prohibitions applicable to specified officers 3540-3549.3 Educational Employment Relations Act 81000-91014 Political Reform Act of 1974*

**CHARTER SCHOOL OVERSIGHT (Continued)**

*HEALTH AND SAFETY CODE*

*104420 Tobacco Use Prevention Education grant program 104559 Tobacco-free schools*

*LABOR CODE*

*1198.5 Personnel records related to performance and grievance*

*PENAL CODE*

*667.5 Definition of violent felony 1192.7 Definition of serious felony*

*VEHICLE CODE*

*28160 Child safety alert system*

*CALIFORNIA CONSTITUTION*

*Article 9, Section 5 Common school system*

*Article 16, Section 8.5 Public finance; school accountability report card*

*CODE OF REGULATIONS, TITLE 5*

*4600-4687 Uniform complaint procedures 11700.1-11705 Independent study*

*11960-11969 Charter schools*

*CODE OF REGULATIONS, TITLE 24*

*101 et seq. California Building Standards Code*

*UNITED STATES CODE, TITLE 20*

*1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex 6311 State plan*

*7221-7221j Charter schools*

*UNITED STATES CODE, TITLE 42*

*11431-11435 McKinney-Vento Homeless Assistance Act*

*CODE OF FEDERAL REGULATIONS, TITLE 34*

*200.1-200.78 Accountability*

*COURT DECISIONS*

*Ridgecrest Charter School v. Sierra Sands Unified School District, (2005) 130 Cal.App.4th 986*

*ATTORNEY GENERAL OPINIONS*

*89 Ops.Cal.Atty.Gen. 166 (2006)*

*80 Ops.Cal.Atty.Gen. 52 (1997)*

*78 Ops.Cal.Atty.Gen. 297 (1995)*

*CALIFORNIA OFFICE OF ADMINISTRATIVE HEARINGS DECISIONS*

*Student v. Horizon Instructional Systems Charter School, (2012) OAH Case No. 2011060763*

*Management Resources:*

*CSBA PUBLICATIONS*

*Charter Schools: A Guide for Governance Teams, rev. 2016*

**CHARTER SCHOOL OVERSIGHT (Continued)**

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Model Youth Suicide Prevention Policy, May 2017*

*Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016*

*California School Accounting Manual*

*Sample Copy of a Memorandum of Understanding*

*Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013 Special Education and Charter Schools: Questions and Answers, September 10, 2002*

*U.S. DEPARTMENT OF EDUCATION GUIDANCE*

*Charter Schools Program: Title V, Part B of the ESEA, April 2011 WEB SITES*

*CSBA: <http://www.csba.org>*

*California Charter Schools Association: <http://www.calcharters.org>*

*California Department of Education, Charter Schools: <http://www.cde.ca.gov/sp/cs> National Association of Charter*

*School Authorizers: <http://www.qualitycharters.org>*

*U.S. Department of Education: <http://www.ed.gov>*

Policy

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VACAVILLE UNIFIED SCHOOL DISTRICT

Vacaville, California